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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,356	10/30/2001	Mark D. Seaman	10008303 - 1	4970

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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HUYNH, BA

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/002,356

Applicant(s)

SEAMAN ET AL.

Examiner

Ba Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-13, 29-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim inventions direct to computer readable medium having instruction thereon, the medium is defined by the applicant as a piece of paper or transmission media (see the spec, page 9, lines 2-21). Printed materials on paper are subject of copyright protection, not patentable subject matter under 35 USC 101. Further computer software embodied in intangible media such as transmission media or other media incapable of being touched or perceived also fail to met the 35 USC 101 requirement as for not being tangible.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Lin.

- As for claims 1, 13, 14, 18, 28: Lin teaches a computer implemented method and usable in a general purpose computer system (0038) for composing a multimedia presentation from a

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plurality of media elements, the plurality of media elements including audio media elements and image elements, the image elements including at least one still image (0006, 0050), comprising the steps/means, program logic configured to:

determine at least one control setting, the control setting including the duration time for display of the at least one still image in an initial presentation (0051, 0052, 0053), and

automatically compose the initial presentation, the initial presentation including the plurality of media elements, the initial presentation based in part on the duration time for the at least one still image. It is inherently included in Lin's teaching of DVD photo album, slide show presentation and movie making, and in Lin's the time a presentation was created (0046), that the initial presentation based in part on at least one time stamp associated with at least one of the media elements (a photo album is a picture presentation of time-based events, from birth and as time goes. Slide show and movie are presentations of media element in temporal order). Even if it is not, ordering the media element at least in part based on a time stamp associated with the media element is well known as disclosed by Wolff et al (Wolff's 4:43 – 5:34). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Wolff's teaching of creating a presentation based on the time stamps associated with the media elements to Lin. Motivation of the combining is for providing a time based presentation of photo album.

- As for claims 2, 15, 19: An initial presentation is displayed (Lin's 0054).
- As for claims 3, 5, 7, 16, 20: Lin fails to clearly teach the displaying of an image line showing the order of appearance of image elements. However suggested that the image elements

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can be edit and composed to form a slide show with conventional techniques (0034). Wolff teaches the displaying of an image line showing the order of appearance of image elements for editing (4:43 – 5:34, figure 2). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Wolff's teaching of the editable image line to Lin.

Motivation of the implementation is for providing a visual content and guidance for editing of the album. The editing including reordering the images (Lin's 0044, Wolff's 5:8-67).

- As for claims 4, 6, 17, 21: Lin fails to clearly teach the implementation of a sound line, however suggested that sound can be added to the image elements (0030) according to conventional method (0030). Wolff teaches the displaying of a sound line showing the order of expression of sound elements for editing (3:22-32, 59-65; 6:1-7). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Wolff's teaching of displaying a sound line showing the order of expression of sound elements for editing to Lin. Motivation of the combining is for adding sound to the image elements as suggested by Lin.

- As for claims 8, 23: A presentation based in part on the duration time of at least one still image (Lin's 0052-0053).

- As for claim 9: The presentation is edited in-part by the user (Lin's 0054; Wolff's 4:43 – 5:34).

- As for claims 10, 11, 25, 26: Graphic and text elements can be added to the presentation (Lin's 0033, 0034, 0044-0048, Wolff's 6:1-2).

- As for claims 12, 27: The control setting can be reset by the user (0051-0052).

- As for claims 22, 24: The editing including reordering the images (Lin's 0044, Wolff's 5:8-67).

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- As for claim 29: It is inherently included in Lin's teaching of DVD photo album, slide show presentation and movie making, and the time a presentation was created (0046), that the initial presentation comprises selected image elements placed in chronological order (a photo album is a picture presentation of chronological ordered events, from birth and as time goes. Slide show and movie are presentations of media element in chronological order). Even if it is not, ordering the media elements at least in part based on chronological order is well known as disclosed by Wolff et al (Wolff's 4:43 – 5:34). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Wolff's teaching of creating a presentation based on chronological order to Lin. Motivation of the combining is for providing a chronological ordered presentation of photo album.

- As for claims 30, 31: Per Lin, sound can be added to the image elements according to conventional method (0030). As image elements are chronologically ordered, associated audio elements are also placed in the same order.

- As for claim 32: The initial presentation can be edit by the user (Lin's 0034, Wolff's 4:49 – 6:28).

- As for claim 33: An image line is displayed in coordination with display of the presentation (Wolff's figs 1-2).

- As for claim 4: An audio line is displayed in coordination with display of the presentation (Wolff's 3:22-32, 59-65; 6:1-7, figs 1-2).

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh  
Primary Examiner  
AU 2179  
3/5/5

**BA HUYNH**  
**PRIMARY EXAMINER**

